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Coleman, Phyllis and Dobson, Mark, "Interview with Phyllis Coleman and Mark Dobson - Professors of Law" (2010). *Oral Histories of Nova Southeastern University*. Book 6.
http://nsuworks.nova.edu/nsudigital_oralhistories/6

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PC = Phyllis Coleman

MD = Mark Dobson

Nova Southeastern University

History of Law School

Phyllis Coleman & Mark Dobson

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JP: One of the things I'm interested in in is your experience in the law school. Phyllis, when did you come?

PC: 1979, August 1979.

JP: 1979. What was your impression of the law school when you arrived here?

PC: It was really exciting; it was dynamic. We really felt excited; we were wrong and we thought we could do just about anything, so it was an exciting time.

JP: And what were the facilities like in 1979?

PC: We had just moved into what was then the new building over on SW 9th, and it wasn't finished, and so --

MD: You'd been over in Parker, right?

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PC: Yes, and I never was in Parker.

JP: Originally, the law school was in Parker.

PC: Yes.

JP: Then you moved over to the east campus, right?

PC: Right. And Mark was there at the Parker Building, but I wasn't. I interviewed there, but I started when we were in SW 9th. And we started classes, but there were no offices, and we all were sharing any little nooks and crannies where we could prepare for class. So I went in and I had gotten kind of friendly with Joe Smith, who is blind.

Joe had this little closet he had found where he was preparing for class, and so I said, Joe, do you mind if I sit with you; he said, no, no, as long as you don't mind that I'm preparing. I said, no, that's fine. So I open up my staff, and he turns on the tape recorder and it's going at chipmunk speed, because can listen like that. And I'm sitting there going, I can't --

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So conditions were not great, and I had a class, the first class in it was an old union building, so the auditorium, we turned into, ultimately, a library.

JP: It was the library, yes.

PC: Um-hm. But I had my first class there. And there was a catwalk around, remember, and the -- I start teaching, very first class, I'm a little bit nervous. And I think it was your class he came from, he was the problem, but I'm teaching and I look up in the catwalk, and there is the dean, Ovid, Johnny, who was assistant dean at the time.

MD: Johnny Burris?

PC: Uh-huh. And I thought, how unfair the dean comes to my very first class. I'm frantic, right. And it turned out we had a student who turned out to be a problem; and wasn't it you who had a problem with him?

MD: Fellow named Drew?

PC: Drew, yes.

MD: I did.

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PC: Yes, so Mark had had a problem with him earlier in the day, so Ovid and Johnny came in to make sure that I -- nothing untoward would happen.

JP: Didn't have the same problem.

PC: So we were -- classrooms were finished off.

JP: And when you walked in, the auditorium is to the left, that flat building?

PC: Yes.

JP: And that was made into the library?

PC: It was ultimately the library, right.

JP: And was the library adequate? And I know the answer to that.

PC: The library was really pathetic, yes. But not as bad as Einstein, right. President Feldman called it the best high school library he'd ever seen, and it was a university library. But, you know, it was very odd. I don't know if you had this experience, but you'd go in there and you'd be sure something wouldn't be -- there was just no way we'd got that library.

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MD: And the right thing would show up?

PC: And it would be there. But something that you expected to be there wasn't there.

MD: Phyllis, this is your story, but I will tell you one funny thing, cause this is a funny story. When we got accreditation from APA in '81, the site visitors came, and I was terrified, because it was -- what's 309 now was one fourth, I guess, of the third floor of Mailman Building was the university library. And I was sure they were going to hit us hard for that. And they go through their feedback session, and they come to the library and they say, the library is pretty good; quite fine.

So I'm thinking that, man, there is a God; prayers do get answered. How did this happen? And we go through it all, and then at the end of it, I'm talking more to the chair, and it was absolutely apparent to me in talking to him that he assumed that that could not be the university library. It was a small auxiliary site library, and that it was nice to have it; it was right outside of our office, which is great. And for a small auxiliary site.

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And I said, now, do I tell him the truth; he hasn't asked, and I decided, and there's enough time that has passed, I can say this, that I would not say a word. And so it went, and the report actually said the library facilities were adequate. But that's because of a misinterpretation of what that library was.

JP: When I talked to Ron Brown, he was talking about the same situation; you had people sharing offices. You could hear students and professors talking. You couldn't do your own interviewing, because somebody else was overwhelming you with the noise, the classrooms were not soundproof.

PC: Was that in Parker or was it in our new building? That was Parker, right.

USM: Would it be disruptive for me to interject?

JP: Yes, please.

USM: I don't remember what you're testifying about in Parker. I mean to say --

PC: At the new building?

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USM: -- the 9th Avenue Building. But your recollections must be correct, but I have no recollection of not having an office or sharing it.

PC: No, right at the beginning, that first week or two.

USM: Maybe you were there before I showed up; I don't know. But I do know what you're talking about with Ron Brown. In the Parker Building, and Ron and I came there in the third year of the law school's existence, which was the summer of 1976, we got there. And he and I, in fact, shared an incomplete wall between our offices.

JP: You told me that; it didn't go all the way up, yes.

USM: We had offices next to each other, where the wall between us stopped about a foot short of the ceiling. And, yes, it was true that I could hear him talking to students. I don't remember being that bothered by it. I think we laughed about it. But we were aware that we didn't have complete privacy in that regard.

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JP: Well, a question that I'm having some difficulty getting to the bottom of. When you were on the east campus, and that building is ultimately going to be renovated, and I'm not clear -- there was a Canadian construction company that came in and Ferrero made some deal or Fischler to renovate that building and turn it over -- this is union building, and turn it over to the university as the law school.

Do you have any knowledge about how that came about, who was involved? There was apparently a guy named Shapiro who had read that university needed a law school and, somehow, had decided that they would provide money for the renovations.

USM: That would be pre-Ray, wouldn't it?

PC: Yes.

USM: Ray was always on our board of governors. But, certainly, Abe Fischler was still president. We're talking the late 1970s.

JP: Yes.

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USM: I don't know the details. I do know that, which is probably tangential.

JP: By the way, the company was Olympia & York.

USM: Sounds familiar. I mean all I can add is my understanding is that the American Bar Association would not fully accredit us unless we had our own building.

JP: That's correct.

USM: And there wasn't money to build our own building on the campus. I seem to remember Joel Berman being involved, which would seem right, in keeping with his skills. He, perhaps, with the assistance of Bruce Rogow, they found this place, and said this would work. I could be wrong.

JP: No, that's true. The union building --

USM: Probably Joel Berman who is vice president for legal affairs will probably know a lot about the acquisition of that union building and the renovation thereof. I was not privy to details.

JP: Yes, they wanted to sell it.

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MD: Excuse me?

JP: The union wanted to sell that building.

MD: Oh, yes.

JP: Because they had built another one. Somehow --

MD: Willing sale.

JP: -- Olympia & York got involved in the renovation, and it's never been clear how much they renovated, how much Nova renovated. It's a little bit complicated.

MD: No, I wouldn't know the details on that. Joe would.

JP: Well, (Unintelligible) has been about --

MD: Julian, also, just to add a comment to that, we didn't purchase that though. We never --

JP: It was a lease.

MD: We have a long-term, a 99-year lease as long as it's used for educational purposes, because I know that has come up a few times, what's being used there and what's being housed there. I don't remember the rest. Mark's

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recollections are better than mine about the details. But I do know we don't own it.

JP: Talk a little bit about some of the deans that you served under. Was Peter Thornton here when you started?

MD: Can I steal the spotlight from you --

PC: No, go ahead.

JP: It's okay. We just go back and forth that's fine.

MD: Can I answer your earlier question?

JP: Yes, please.

MD: Well, again, I mean I came with a group of non-new hires that, at the time we arrived in the summer of 1976, when the law school was about to begin its third year of existence. Upon our arrival, we the new group of nine made up half the faculty. We doubled the size of the faculty, essentially, upon arrival.

Now of that group, only Ron Brown and I remain, and Joe Smith stayed for a long time as well. It was a bit

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sobering to see the facilities for the first time. Of course, we saw it when we came to interview. I can go into the details of how people are interviewed and how they're brought in, if you want. It's probably not important.

But there was a dig, this would be in the fall of 1975 when a handful of us were brought in on the same day to be interviewed by the law school faculty. Ron Brown was certainly there when I was. I remember we had lunch over at the Rolling Hills Country Club, and a group of prospective hires were brought in on the very same day.

I said it was sobering to see the facilities, because the Parker Building stood almost alone on a concrete parking lot that seemed to extend endlessly. There was loose gravel around. It wasn't -- it wasn't very pretty. It's remarkable to me that I didn't seem to care very much, and was so willing to just jump into this -- build the place, virtually, from the ground up experience.

But, certainly, the facilities were nothing to write home about. I remember the catalogs at the time, back when we had hardcopy catalogs, featured at least one photo of an idyllic spot featuring palm trees, a little oasis. If you

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look hard enough, you could find that spot outside the building. But it didn't typify what the place looked like at all.

And we had these big, really basic classrooms that weren't designed for law school classes, particularly, yes. I remember the podium was in the middle, and you had a lot of people directly to your left and a lot of people far to your right, and not very much depth between you and the people straight ahead, just to give you an idea.

And we had a handful of classrooms and the library was upstairs, and so were the famous laboratories with the --

JP: With the labs.

MD: Deans. Well, Peter Thornton was still here when I came to interview, but he didn't stay beyond that. My understanding is that he had been brought in as the first dean, but that his deanship didn't even last the first year, that, for whatever reason, he stepped down. And Larry Hyde, who had been hired as a professor became the dean. So Larry Hyde was the dean when I got here.

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Larry was a very nice, soft-spoken, gentle man. He had been a judge in Missouri; he looked the part of a judge. I will say he looked the part of the dean. They always said Warren Berger looked the part of a tube test. Larry was just so easy to get along with, great guy. Not a dynamic leader, and I think everybody liked him.

But when the financial crisis really kicked in in 1978, where we were really worried about the university not surviving, there seemed to be a feeling that Larry was not the man to lead us and to represent our interests at the university level. I really can't say any more about that. I was kind of bystander.

But Bruce Rogow and Don Llewellyn, the guy who was only with us for a couple of years, an experienced professor who had come to us from Villanova. With the faculty's consent, they became co-interim deans. They asked Larry to step down and he did.

I can remember when one other member of the faculty approached me in the corridor and said, we're thinking of asking Larry to step down as dean.

JP: So this was from the faculty --

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MD: It was.

JP: -- as opposed to from the administration?

MD: It was like a little insurrection, although it was friendly.

JP: Yes.

MD: We're going to ask Larry to step down, and then Bruce and Don are going to run the place; are you in? I said, okay.

JP: Then after that comes the triumvirate, as it were.

MD: That was later. I mean Bruce and Don, see here's where I'm a little fuzzy as to whether it was one year, was it two years. And now we're looking for a dean. The crisis has been weathered, and then we bring in the great savior, Ovid Lewis. I mean when we got him, we thought we were very lucky. You may be expecting a punch line where I'm going to say we weren't.

I'm not. I'm going to say we felt so pleased to have a man of his stature and apparent ability to come in and be

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the dean, which was exactly the same time that Phyllis and some other faculty members --

JP: So this really stabilized the leadership?

MD: I would say so. Yes, and it was the same time we were moving to the new building over on 9th Avenue. We got a group of five new faculty members who I will say was, as a group, a cut above many of the rest of my colleagues. Not a cut above m.

JP: And Phyllis would be one of those?

MD: That's right.

PC: The only surviving member.

MD: Yes, she's a survivor. That was a time of great hope and optimism, I would say. So you say stabilized, yes, I think so. I think so. We were very happy to move into the new building and happy to have Ovid Lewis, yes.

JP: Good. So what did you think of Ovid Lewis? So he was your --

PC: My first dean.

JP: -- first dean. And he hired you?

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PC: No, he was hired at the same time as me, so I was hired when Larry was still --

JP: Okay, all right.

PC: Well, I was interviewed the first time. I didn't get the job the first time I interviewed. I was interviewed the first time by Larry with his bicycle and his bicycle clothes in his dean's office, cause he used to take his bike to school. And then the second time when I interviewed, it was Bruce and Don. And then I started, as Mark said, with five faculty members and the dean and assistant dean.

JP: When I interviewed Ovid and talked a little bit about, he -- he understood what he was coming into, and liked the challenge of it and thought that, like a lot of people who came to Nova, we're going to build it from the ground up. We have this wonderful opportunity to --

MD: And keep in mind that, at that point, we were still working towards full ABA accreditation. So it's probably fair to conclude that he saw that as his primary and immediate mission. The school had obtained -- what's the word -- provisional is the word; yes, provisional

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accreditation after a year of existence. So the school had provisional accreditation when I came or I wouldn't have come, probably a lot of students wouldn't have come.

Provisional accreditation meant you're graduating to take the bar exams.

JP: You should get accredited, yes.

MD: But we didn't get full ABA accreditation until it was 1981, I think.

JP: Yes, I think it's '81 or '82.

MD: Yes, and Ovid came in 1979, so, undoubtedly, we were moving toward getting that, and that's such a vindication, such a seal of approval that you're legitimate.

JP: Right, and part of the problem was getting the trust, the Unitrust, getting that money.

MD: Yes, they had other litigation going on.

JP: Yes, that was on and on and on and on. Well, when I talked to Ovid, he said that the things he wanted most was to improve the quality of the faculty, improve the

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research by the faculty, and improve the quality of the students, obviously. Those sound pretty logical, but that was something that he focused on.

Do you think he did a good job in sort of changing the atmosphere at the law school?

PC: Well, you know Mark would probably know more than I about that, because the change, I was only there when Ovid was there.

JP: Just as he started, yes.

PC: But Ovid was also, when you talk about building the school, I mean Ovid was actually, physically -- you'd be walking along, come, come I want to show you something. He gets to the roof to show you the air conditioner unit. Ovid, I don't want to see the air conditioner. No, come up here, look at this.

JP: Did he show you his koi pond?

PC: Yes. And my favorite Ovid story is with the main frame, because Ovid brought us computers. And the whole room was a computer. Now I have computer that's smaller than this. And he was so proud of those computers.

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JP: He was.

PC: And we had these ladies who would walk -- they get their exercise by walking around the building early in the morning. And Ovid grabbed them and bring them in to see the main frame and to see the -- so I'm surprised he didn't talk about that.

JP: Oh, he did. He called them his confessions, because people would sit down and have to confess they didn't know much about computers. Oh, no, he was very proud of that. That was something he focused on as well.

PC: Yes, and Ovid -- Ovid was a great guy; I mean he really was. And the students, they loved him, but they didn't understand a word he said, and I think that was true of some of us.

JP: Well, he was a sort of the ultimate intellectual, wasn't he?

PC: Yes.

MD: I was about to say he exuded erudition to fault.

PC: Yes.

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JP: Yes.

MD: I would say. Now you ask about whether the atmosphere changed, absolutely, but I think that was attributable, as I said few minutes ago, to the combination of changes, moving to that much better building, as deficient as it may seem in retrospect, it was a big step up from what we had at the Parker Building

And feeling that we had weathered the crisis of survival, and having a dean that really struck us as a worthy leader from an intellectual standpoint. And then getting accreditation.

Now, oddly enough, I did not personal experience a huge change in moral, because, whether it made sense or not, I was pretty happy, even at the beginning. I've often -- this is not entirely on the same point, but I've often said to people, it's funny, I think I enjoyed teaching the most when I was the worst at it. For some reason, the beginning was exhilarating.

The attendant problems didn't bother me too much. But Ovid's reign -- corresponded with a time of stability, to use your word. Now did he put an emphasis on -- when you

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mentioned improving the faculty, we had some new hires in there, but I think the line had already been crossed when I arrived. It was influential to me, it was a part of my willingness to come here that there were a handful of people on the faculty that I felt good about.

But I was very conscious of the fact that there were a number of people on the faculty that I didn't feel too good about, that I didn't think were people who ought to be part of a really good faculty. Fortunately, there was attrition, one way or another, and virtually all those people who I felt were unacceptably weak went away.

And we were able to elevate the quality of our hiring starting right in 1979. You asked about whether we put an emphasis on scholarship. We certainly did. And, actually, that was a bitter, sore point for me, not that my reaction matters, because he rewarded. This is the way a dean encourages scholarship.

JP: True.

MD: That faculty salary raises are disproportionately reactive scholarly productions; that wasn't my strong suit, not in terms of ability but by how I chose to spend my

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time. So I did not feel favored by Dean Lewis in that regard. I'll tell you this though, along the same lines, a major shift occurred, once we started to grant tenure to people.

Now you know we didn't do anything about tenure prior to, certainly, 1979, maybe even later, not a lot later, because nobody gets tenure until he or she has been at school for five or six years, generally. School started in 1974. There was no occasion, really, to start talking about tenure before 1979.

JP: True, the ABA would not give accreditation until you had tenure and, of course, the rest of the university did not have tenure.

MD: Right, that's right. We had to have it per the ABA, that's right. But it just stood to reason that it took a little time before that entered into reality.

JP: Sure.

MD: Well, the reason I bring it up is, in those early years, certainly the Parker Building years, I hardly heard anything about faculty scholarship, and there was no sense

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of disapproval if you weren't writing. We were trying to teach well, and we were writing the rules for the governance of the school; a tremendous amount of time spent on that, literally writing the regulations that would govern the schools in terms of what students had to do, etc.

When Bruce Rogow was the first one to come up for tenure, we kind of understood, okay, he's not a scholarly writer but, hey, he's a star; he's written so many briefs and appellate cases in court, we will treat that as the equivalent of writing. There's never been another person who was able to get the benefit of that, I don't think.

PC: Michael (Unintelligible).

MD: Michael (Unintelligible), maybe? Yes, okay. Scratch that. We knew Bruce was special. But what I'm leading to is, from that moment on, it was like somebody turned on a light switch and it was like, hey, you got to write, that's part of the job too. And I really spent my first two years here not even really thinking about it, because it just -- I would say it wasn't part of the culture.

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It was remarkable, and I think Ovid's arrival had something to do with, yeah, we do scholarship as well.

JP: How has the quality of the students changed since you started, say, in '79, have they got quantitatively better, qualitatively better?

PC: I don't think so.

JP: Why not?

PC: Why not? I wish I knew the answer to that question.

JP: Well, part of it might be, if you'll forgive me, that still what, a fourth tier law school?

PC: Yes.

JP: Is that right? *U.S. News World Report*, I know, I know, but nonetheless. Is that a factor? Because the building seems fine, the faculty seems good.

MD: This is a question I've wondered about, and by that I mean your initial question, has the students gotten better. A lot of folks have asked me that over the years, alumni some years ago might ask me, so have the students.

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So I've settled into an answer, which is, I'm not able to say that they are overall, because we've always had some excellent students, and we've always had folks who don't belong, and a lot of people in between.

I realize that I've been here a long time; maybe I just can't remember well enough to make the comparison. My reaction to mediocrity may have changed over the years, but it's still true, and it was from the very first class that I thought that there were people who I regarded as excellent, who would have done well at any law school. And, again, people who, even apart from the ones that flunked out, people who inspire no confidence at all and leave you thinking, how is this person ever going to be a good lawyer.

So I'm not able to say that the quality of the student body has really changed. As to why, well, we're a relatively expensive, private law school. That puts us at a disadvantage vis a vis the public law schools in the state, and most notably, FIU, which is local, where the tuition is just so much lower.

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It doesn't surprise me when I learn, if I learn, that one of my best students is here on a scholarship. And I've always felt that another source of students more likely than not to be above average are older folks that are in the area, and they're not going anywhere. They're not going anywhere else geographically.

PC: And another problem I think is we've gotten much bigger, and --

JP: Too big?

PC: Too big, yes, absolutely, 100 percent.

JP: It's called tuition.

PC: It's called -- that's right. But I think that that is a problem. I think we take people who we hope are going to make it, and who -- I've never been the admissions committee, but who I think they believe have a chance of making it. But this school is way too big.

MD: Let me just add this about admissions, I'm know I'm being very pushy today. I think that the great bulk of our students have LSAT scores that are not terribly

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predictive. That, with the same score, you can get a star or a bust.

JP: Yes. But Stetson's expensive, and they get pretty good quality students.

PC: Yes, they do, they get -- they've been around forever.

JP: Sure.

PC: And locally, they don't have as much direct competition. We've got a lot of schools in the area.

JP: Particularly state schools.

PC: Well, we have one state school in the area, but we also have --

JP: But you still compete with FSU and Florida and all the others?

PC: Yes, but Stetson has that problem too. So what I'm saying what we have is three, now four, if you count Naples, schools that people could actually drive to all four.

JP: Yes, right, right, right, yes.

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PC: So there's a choice. But I do think, and admissions has apparently become a problem, in that the old rules, all the formulas, as you make this many offers, you get back this many people, doesn't work anymore, and so we've had some huge classes, and we both teach in the first year. They're way too big.

JP: Some of those should not be in law school; is that a fair statement?

MD: Oh, yes.

PC: Yes, and I think that's probably true if you go to any law school --

JP: Yes, I'm sure.

PC: -- that some of them shouldn't be there. But I think we have a lot -- I think that's a problem. And just the sheer number of them, I think is a problem. The building is not big enough to handle as many students as we have.

JP: Right. Larry, you know this. I came across a letter -- I'm sorry, Mark. I came across a letter from Larry Hyde to Fischer complaining that the law school was a

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cash cow. They were making money, and Fischer was draining it all, and he wrote a really harsh letter saying that the students are paying for a law school education, and you're taking all our money. And there was talk at that time that the law school wanted to be separate from the university.

And when Della Donna gets into this court case, he comes up with the same kind of proposals.

MD: Well, you've reminded that I'd forgotten that, yes, there was some talk about that. I don't feel as though it ever went far enough to be considered a serious proposal. I think there was -- as best I remember, I think there was a consensus that it wasn't realistic, it would never happen. But I do remember it being brought up, now that you mention it.

JP: One other question that comes up, and I don't know --

PC: And you'll hear that same complaint today.

JP: Today.

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MD: You will hear the same complaint today, but never again was there a level of animosity between the law center and the center of administration --

PC: Right, right.

JP: Plus you were off the main campus, so a lot of a factors, I presume.

MD: I guess, and I don't mean to paint Dave Fischler as a villain, I always liked him, but it was tense. I guess there was just a --

JP: Because he was trying to save the university.

PC: Right.

JP: So he didn't have -- he couldn't play favorites, and if that's where the money was, that's where he got it.

MD: Yes, we knew that, we knew that, but it is still an issue.

PC: Yes, it is. It's an issue again.

JP: One of the things I'm having a little difficulty with. When they got the first money from the Goodwin Unit Trust, there was \$5 million that was going, according to

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the university, directly to the law school. And part of this was to get accreditation. The law school was sort of floundering here and it needed to get done, and I've never been clear exactly what happened to all that money.

I understand that like \$1 million was for a Goodwin Fellowship academic/faculty chair or something like that, is that right? Is there a Goodwin chair?

PC: No, no, there isn't a Goodwin chair. We had a Goodwin series of lectures.

JP: Oh, a lecture series?

PC: That's right, and we brought in -- and the original conception was they were going to be here for ten days to two weeks, the people who were speaking.

JP: So that's Arthur Goldberg and people like that?

PC: Goldberg wasn't --

MD: He was a distinguished visiting professor.

PC: He wasn't a Goodwin.

MD: I'm not able to say that he was. We've had at least two people who were distinguished visiting

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professors; probably more than two, but mostly Arthur Goldberg and John Anderson.

PC: Right.

MD: But you're talking about, in part, the --

JP: So they would just come and give lectures --

MD: The annual seminar, whose content would change depending upon the professor who --

PC: Yes, Mark did one of them.

MD: But it was called the Goodwin Seminars.

JP: So that's where part of that money is?

MD: Yes, I guess. But I'm not strong on financial details. That's what Bruce --

JP: So you don't know what happened to all the other \$5 million; would that have been used to renovate?

MD: No, I don't know.

JP: No, okay.

PC: And I wasn't --

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JP: Do you know, Frank?

FRANK: I do not.

MD: Oh, I think Chris Rogow and Joel Berman would be good sources from the early --

JP: Yes, I'm going to have to --

MD: More than I do; even Joe Harbaugh, even though he came much later.

JP: And while we're on Joe Harbaugh, what did you all think of him?

PC: Yes.

MD: Well, if we go chronologically, we skipped over Roger Abrams; actually, when Ovid became vice president of the university --

JP: Roger Abrams, I think, came in 1986, is that right?

MD: '86, and Roger was here from '86 to was it '93 or something like that?

JP: Yes, yes.

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MD: But when you mention the triumvirate before, that was immediately after Ovid stepped up to the vice presidency.

JP: That's right yes.

MD: Then Roger Abrams came.

FRANK: And there's a period of time where I recall Ovid trying to revoke, if I recall, both VP and dean.

MD: (Unintelligible).

FRANK: And then, eventually, the trio took over for the law school.

MD: Yes, for what, about a year?

FRANK: I think so, yes.

MD: And Roger came in. After -- when Roger --

PC: Well, then we had --

MD: When Roger started, did Joe Smith and Gail? Was Joe Smith being --

JP: Joe Smith was one of them.

PC: Joe was the interim dean, yes.

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MD: Yes.

JP: Yes.

PC: Joe was interim dean.

FRANK: When Roger left?

PC: No, it was --

FRANK: No, I think Gail did the management --

PC: No, we had like three years, I think, that were not -- because Joe wanted to be dean, and he didn't get to be dean.

MD: Was that the tail end of the triumvirate rule?

PC: Yes, I think that's right, because Joe was one of the triumvirate.

JP: So there was a period where there really wasn't an established dean, was there?

PC: That's right.

MD: From 1984 to 1986.

FRANK: I think you're right, Mark.

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MD: And then when Roger left in '93, Gail was --

PC: She was acting dean for --

MD: A year or two? Because Joe Harbaugh came in
1995.

PC: Yes.

JP: So talk about Harbaugh then.

PC: You don't want to talk about Roger?

JP: Oh, yes, talk about Roger Abrams, that's fine,
yes.

PC: Poor Roger.

JP: I didn't mean to pass him up.

PC: And the triumvirate, that was interesting.

MD: Well, that was another time, I think, of good
feeling. I can't speak for everybody. I thought there was
something refreshing about self-rule; our own guys in
charge. If you haven't picked up on this yet, I'm not
terribly administratively inclined, so I'm not one to be

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able to evaluate exactly how and well the place was being run. But the era of the triumvirate felt like fun.

PC: And I was friendly with Joe Smith, and I thought Joe did a really good job. He was very disappointed --

JP: Okay, how about Roger Abrams then?

PC: I thought Roger did a really good job at the beginning of his reign. I thought that he -- and Roger got us WLAS. I don't know if you agree, but I don't think we had the confidence as a faculty that we could do it, and Roger said we could, and he was right, and he did it and the new building.

JP: How important is the dean in terms of leadership?

MD: Interesting question.

PC: Yes, interesting question. I think can be extremely important. I think it's very difficult --

JP: In other words, if he or she is really good or really bad?

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PC: Yes, and you can have the Eisenhower dean who just sort of bubbles along. But it is herding cats, and you need somebody who can herd cats.

MD: Oh, a number of skills that a dean needs to have, obviously, or maybe he doesn't have to have but could have.

JP: Should have.

MD: Number one function is strong leadership, vis a vie the faculty, in a sense that when you're at faculty meetings and the dean presides, he earns your respect; he or she earns your respect and leads with a sufficiently but not unduly strong hand. There's also the ceremonial function, you might say, vis a vie the student body.

Does the dean present a persona that they may like and/or feel good about or not? Might he be very remote and distant from the student perspective? How responsive does the dean seem to be to student concerns. The dean is probably bound to displease a fair number of faculty members on a fairly frequent basis, because the dean has got to make tough calls about salary and perhaps some other things.

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JP: Well, the very concept of being in charge of a bunch of lawyers would create problems in and of itself.

MD: Those are just the personal components. Do you find this person easy to talk to? Do you feel this person is interested in hearing what you have to say? Is he or she accessible? Then there's going to be another personal reaction, which is does he seem to like me or do I seem to be out of favor with him or her?

It's hardest to evaluate the day-to-day administrative drudgery that a dean has to deal with, unless you have some evidence that he or she is not doing it well. Then, also, you care about the ability and willingness of that dean to represent the school adequately with respect to the university, and that's been an ongoing issue at our law school.

JP: How about fundraising?

PC: Yes, fundraising, that's what I was going to say.

MD: Oh, yes, yes.

PC: And fundraising we have not been good at, all the deans. I don't think any of them has done -- and I have no

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idea how to do it. I have no interest in doing it, but I know I think it's something that's really important that we just haven't gotten that yet.

JP: And by now you have enough alumni, where there ought to be fairly successful in terms of their earnings?

PC: Yes, but I think we need to -- we've got an excellent in Donna Shalala of how you can't limit it to your alumni, and how you need to take our story, because I do think we have a good story. I do think we educate our students well, and I think there are just good things we could be talking about.

And look at the university; I mean the university has grown to be a real, legitimate school. And so I think there are things we could be raising money. I know it's a hard economic time but, you know what, that's, I think, the dean's job. And some of us, we went through our relatively recent dean search, thought that that was really the primary thing we were looking for.

It doesn't seem to me, and Frank knows better than I, and maybe I'm wrong, but it doesn't seem to me that our

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university is even that interested in fundraising. I think that's really a mistake.

JP: Well, it is now, cause I just talked with George this morning.

PC: Well, that's good.

JP: (Unintelligible) campaign. I think that's a huge priority increasing down. I think that's a major priority that he has.

PC: Yes.

JP: But it has not been that except for Huizenga and a few people, Don Taft, hasn't been that successful in getting money from alumni and the general public.

PC: Right, and why is that? I mean you go back to why our students not really evolving in the -- why aren't we moving up, so we're not a fourth-tier law school anymore.

JP: While we're on that, I wanted to ask about one marker is the -- you said you educated your people well. The bar passage has been fine, has it not?

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PC: Yes.

JP: Or better?

PC: Yes, it's actually good right now.

JP: Where would it be statewide?

PC: We're in the three to fourth, a dip to five -- in the three to five, I would say out of all the law schools.

MD: Yes.

JP: So FSU and Florida would have a higher bar passage?

PC: UF is generally, it is generally at the top, yes.

JP: So third or fourth?

PC: But our bar passage has gone up; that was something that we did have a problem with and we really worked on.

JP: Yes. Is there a percentage of students who take the bar and pass it? Do you know what that would be?

PC: We've been coming in around in the 80, around 80, but that number is gettable. I mean we have all this --

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JP: But you'd have to almost be at 80 percent to be acceptable in terms of the education process, wouldn't you? I mean if you did 60 percent, that wouldn't --

MD: You're right, that would a bad number, not as bad in California.

PC: Yes, and that's the problem.

MD: No, you're right though.

PC: And they're changing the bar exam, and I'm a little concerned that there's going to be another dip coming up. They're changing the subjects. But, yes, our bar passage rate I think is relatively good at the moment.

MD: Going back to what you asked. I don't pretend that our particular opinions of people are important, but I want to say I think Roger Abrams was a very capable dean. And he emphasized scholarship maybe even more than Ovid Lewis had, because he was aiming toward our attaining membership in the Association of American Law Schools, so he rarely put an emphasis on that.

And Joe Harbaugh, it's hard, I think, for any dean to remain popular by the end of his term of service, and

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perhaps especially when you've served an unusually long term as Joe did, 13 years. So there were critics; I happen to be near the top of the list of people who liked him a lot. He was my favorite dean.

And I would say I consider a brilliant guy and a visionary, really, although paradoxically, I don't endorse all of his visions.

JP: Well, of course.

MD: I give him credit for being a very creative thinker about academic programs and what it takes to try to distinguish our school and keep it afloat, keep it functioning well; the constant source of ideas.

JP: What was your view, Phyllis?

PC: Roger really was involved in scholarship himself, and so he was leading by example, and he did, I think, convince people that writing was part of what we had to do. And Roger was always upbeat. Roger is -- the kids call him Dean Smiley, because he really was -- and, as I said, he got us American Association of Law Schools, because he said you can do it, we're better than we think we are. And we

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need to tell everybody else that we're better than we think.

And he did that, and I thought that was really good. Towards the end, as they say, he was already thinking about what he was doing next. But he built the building; the building has problems; doesn't have the problems the old building we had -- there was a post in the middle of most rooms, and the students all fought to sit behind the post seat.

JP: So they wouldn't get called on.

PC: Right, it was a weight-bearing column, so you couldn't take it out. And Roger occasionally taught a class too, and I felt that was really important, because, although his view of our students was much more optimistic than mine. He did; he had interaction with the students, and I think that's important.

Joe is, as Mark says, an idea a minute. You can't keep up with him, whiplash. No, focus -- okay, this is a good idea, let's do this. No, no, I don't need to talk about this over here. And if you saw Joe coming on the faculty floor, you knew he had another project, and you

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were hiding, so that you weren't the person who was supposed to implement it.

Joe, there was an energy all the time, which was good in some ways and not quite so good in others.

JP: Do you all still have this special admit program?

PC: Yes.

JP: Where kids come in, want to take a couple of courses. How has that worked out?

PC: I think it's great. I think part of the problem is in the community, if you know somebody who didn't make it, you think it's a terrible program. You think we're stealing money. But the editor of our law review is -- got the book award from the (Unintelligible) in contract.

MD: (Unintelligible)?

PC: Yes. And so we have found, as Mark says, some of our LSAT scores are not -- are predictive, some not so predictive. We have a lot of students who don't do well on standardized tests. The problem coming down the road when they go to the bar exam, because it's another standardized

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test, but those students really excel in our AAMPLE Program.

And we get people who wouldn't have been in law school.

JP: But it does hurt you with the *U.S. News & World Report*, because these kids are coming in with low test scores and no GPA, right?

PC: That's right, and we have another problem. They get stolen away by people, because you're only tainted with their LSAT in their first year; now it turns out, apparently, only in the first semester. So they -- a lot of them transfer. Thank you for giving me the opportunity, but --

JP: Is that right?

PC: -- now I'm going to a better school or a cheaper school, like other state schools.

JP: Yes, because it's cheaper, and they can get out and get in, because they've demonstrated that they can do the work.

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PC: That they can do the work, yes. But it gives them the opportunity that they might not have had, so I think --

JP: Do most of them do okay?

PC: Most of them predict -- do at whatever they did in the program. So if they get a 2.5, most of them stay --

JP: Stay at that.

PC: -- at 2.5.

JP: So you don't come in at a 2.5 and get to a --

PC: No, no, but they get a 2.5 in the AAMPLE Program.

JP: Oh, I see.

PC: So that it really is predictive of how they're going to do.

JP: It's AAMPLE?

PC: AAMPLE.

MD: For a long time, it was called the Summer Conditional Program, which was the generic name for it.

PC: Yes.

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MD: AAMPLE is an acronym for something.

PC: The Alternative Admissions --

JP: I have it done somewhere, because I've seen it in there.

PC: Yes.

JP: Mark, what is the future of the law school here? How do you see the next 20 years? George talks about this vision for 2020. Where do you see the future of the law school?

MD: I'm glad I'm being asked this question in private with few people witnessing it, because I'm not a visionary, and I really don't have an answer for you. And I'm also a pessimistic guy, so my first thoughts are the worry about whether we can keep it going.

JP: Oh, really.

MD: Well, there are too many lawyers, too many law schools, too many law students.

PC: And too much debt.

MD: Yes, too much debt.

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PC: Too much debt.

MD: Plus job market. Can we sustain? I mean I suppose it might be said that we'll never lack for customers. But the quality.

JP: Depends on what kind of customers you get, yes.

MD: The quality may go down.

JP: Well, I notice that the first ABA investigative team came, and one of the big criticisms was, other than lack of a building and library, but they were taking students for tuition. In other words, they were not taking them in to education them, per say, it was a financial decision on taking as many as they could get in here, to build up the tuition to keep the university afloat.

MD: That strikes me as an unduly cynical description of what we think we're doing.

JP: Well, that was at the beginning now.

MD: Oh, you mean way back when?

JP: Yes, that was the very first inspection team --

MD: Oh, I'm sorry.

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JP: -- that came here. That was in 1976 or something like that, yes. So what's your view of the future?

PC: I think the school is going to have to change in some ways. I think the -- as Mark says, there are too many lawyers graduating from schools all across the country, and the practice of law is changing. These big mega firms are all splitting up. It's too expensive; people can't afford lawyers; they're finding alternatives. There's all this outsourcing.

There's all kinds of changes going on right now and, again, I go back to I think we are taking too many people. So we're producing too many people. Remarkably, we get stats from our Career Development Office, and it seems like after -- and they test after like nine months. People have jobs. But I don't know how long that's going to --

JP: How good a job there are.

PC: Yes, and what kind of jobs they're getting, right. So I think we -- personally, I'm somebody who has been saying for years, I think we need to get smaller, and what we've done is gotten larger. And I think that's really, really a mistake.

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JP: And the assumption would be if you get smaller, you could get higher quality?

PC: Part of it is that, but even if we don't, I think it's important to get smaller, because I don't think there are going to be jobs for all these people.

JP: Yes, yes.

PC: And I do this bar scholarship for our students, so they don't have to work while they're studying. And we got this application from a student, and he said, I need the money because I'm \$205,000 in debt. That's a mortgage, and you can't live in it, and he doesn't have a job.

JP: What is the tuition for law school now?

PC: It's like \$33,000, I think. We're going up. I mean everybody is going up. And that, at the end of their time, is \$100,000 just in tuition; forget living expenses or lost opportunity cost.

JP: Any other cost, yes; books, all of that, yes.

PC: And I think what's going to happen is, these students are reading what we're reading that says there aren't jobs. People are mad; they have blogs and all that

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stuff. And what's going to happen is there are going to be fewer people who decide they want to go to law school, and they will be able to go up the chain and go to better law schools.

JP: What about -- I noticed that in the past, there've been some new law degrees, and that there's more interaction of the law of medical malpractice, starting to provide niche education, maybe at the master's level.

PC: We have those programs.

JP: What I'm saying, does that help? I mean you're going to get better quality students who come in at that level as a master's program?

PC: Some of them. But, again, because of the economy, I don't really think --

JP: It's still the cost?

PC: It's still -- I don't see that that's the answer. We thought, and our programs do apparently make money.

JP: Yes.

PC: But I don't think that's safer.

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JP: Do you all do any off campus, online stuff?

MD: Yes, the school does, yes.

PC: You mean for our JD program?

JP: Yes.

PC: Because we have an AAMPLE -- our AAMPLE program has an online component, the site. And their students don't even have to leave -- you know, this is a conditional program, so people don't want to move their families, and give up their jobs, all that kind of stuff. So we have that. The ABA limits the number of classes that you can have online in your regular --

MD: I thought we did; we do have some, though?

PC: Yes, but they limit the number. Joe teaches one. He teaches --

JP: Any off campus sites at all?

MD: No other sites.

JP: No.?

PC: No.

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MD: No.

JP: Heard so much about it.

PC: We talked about that.

JP: Well, again, if you look at the Fischer School, that's a totally different concept, obviously.

PC: We have talked about it though. We talked about going to Naples, and now there's a school in Naples. And we've talked about going up the coast, Palm Beach.

FRANK: And your masters has an online component.

MD: Oh, yes.

PC: The masters is almost all on line.

JP: What is the impact, Mark, of the new building? When you go into the Goodwin Building, how did that change the attitude of the faculty? And did that help students, I mean coming at least to a new building on campus would seem to be a favorable development.

MD: Yes, I think so. I mean I don't remember researching the question of how people felt about it. I think that I might have projected my own reaction onto

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others. But it was clearly a superior facility to what we had. It felt really good to come into a place that was constructed to be a law school building. Yes, I've continued to feel good about it.

But, again, I'm not administratively inclined. I hear people complain time to time over the years about renovations being needed or the inadequacy of this or that. And, of course, we've done things. We've built a whole new wing, and it seems like every other summer they're ripping up carpeting and putting it down again, and painting the wall. Okay, great.

I'm not the kind of guy who notices that we need it.

JP: They could change the paint in your office, you wouldn't even see it.

MD: Well, might

JP: You might notice that.

MD: No problems in my house. But, yes, I think, clearly having our own building and the quality of the building is such that it helped moral. And I say that

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despite the fact that I think the years that the building
on 9th Avenue as the good old days.

PC: Right.

MD: Personally.

PC: The building is too small. We don't have enough
classrooms.

JP: As it is right now?

PC: Yes, we don't have enough class rooms.

JP: But if you don't keep going, --

PC: That's right.

JP: -- then it would be adequate?

PC: Yes. I think the corridors are too -- the big
classroom we've changed how many times, and we still --
it's still not right. But it is better than the columns in
the middle of the room. And I do, yes, I think everything
goes back to we need fewer students.

JP: I've pretty much exhausted the questions I have.
I'm sure there are a lot of things we could talk about.

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One little thing I wanted to talk about that very early on, there was a law review, right?

PC: We're still having one, yes.

MD: Yes.

JP: And so the students have had this opportunity to publish and do research and that sort of thing from the -- pretty much from the beginning, right?

MD: Certainly not absolutely from the beginning.

JP: I would say late '78, '79, '80, something like that?

PC: Yes, it was here when I got here.

MD: Yes. I think it was getting started at some point in those Parker Building years; but it couldn't have been from the very beginning.

JP: No, no, no, it wouldn't have been possible.

PC: We have another law review too; we have a law journal, and international journal, which is actually very well regarded, and we do --

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JP: Oh, I did notice that someone had reviewed it and had given good --

PC: Yes.

JP: I don't know what the superior level would be to evaluate these journals, but they'd given it a good reading anyway.

PC: Yes.

JP: Most of my questions are done, unless you have some -- and maybe if you have some incidental events or interesting circumstances or unusual questions or crises or hurricanes or anything that might provide an interesting anecdote about the law school.

PC: This building opened the summer we had Andrew.

JP: Well, I knew that, yes. That was a little tricky, wasn't it, yes.

PC: Yes.

JP: Because everybody was thinking everything would be gone before it actually opened, yes.

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PC: That's right, blow away. But it did really well, actually. A few of us stayed in this building, because we were more confident in this building than we were where we lived at the time.

MD: How do you describe your mission here, what you're doing?

JP: In what sense?

MD: Would you describe it as saying writing a history of the university?

JP: Yes.

MD: Is that it?

JP: Yes. And I'm trying to, as Frank knows, trying to -- when you're writing an institutional history, it can be lethal in terms of the interesting number of facts you can put out. So I've been trying to put in periodically some interesting events or anecdotes or something to sort of spark the interest in the human equation at the university.

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There's too many -- well, we know how many acres it is, and how many faculty. You know, after a while it gets a little old.

MD: Well, we've had a handful of tragic, premature deaths of faculty members.

PC: That's uplifting.

MD: It's not intended to be uplifting. Again, I wasn't sure of the scope of your enterprise. I've been searching my mind thinking, well, what else is notable. And that's what came to mind. About four faculty members here who died too young from different causes.

JP: How about -- is there a lot of interaction between the faculty and the law school and other centers? I take that as a no.

MD: Take it as a I don't know; which means it's not my thing. Some of our colleagues --

PC: Cathy does.

MD: -- seem rather integrated.

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PC: Yes, we have one faculty member who's very active with HPD.

JP: Because George was talking to me this morning, and that one of the symposia had to do with the legal issues on child abuse. And, as a result of that, somebody from psychology got hooked into the law professor and sort of had the dialog, an interaction of ideas and that sort of thing, which is something Ovid Lewis wanted to do.

PC: Yes.

JP: I think that George wants to do. And I know Frank does.

PC: Well, one of the problems, as long as we have you here, with trying to -- and I don't know if this has changed, because I gave up. But I was teaching bioethics, and I really wanted to have medical students in my class.

JP: Yes.

PC: And I kept running into -- they had to pay tuition there, and they had to pay tuition to the law school. And I thought it would be good if our students

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went over and we did that. Is that still true? Do we still have to do that?

FRANK: If they're getting multiple degrees or if they're taking credit courses, yes; if they're sitting in.

PC: But if they're taking the course for credit in their institution, in their center, in other words, I have a law student who goes over and takes a class in HPD, and he's not getting an degree from HPD, he's getting a degree from us.

FRANK: Yes, if he's sitting in a for credit course, there would be tuition charge, yes.

PC: Why? We are them, right?

FRANK: You've got to talk to your dean about transferring money over from the law school to there then, and it would satisfy their need to cover whatever costs they have. They're laying out the cost, because we teach the class.

PC: I know, but if I just have one extra student in my class, it doesn't cost anything?

FRANK: One could probably work.

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PC: Yes. It seems to me that that would be -- stipulate interdisciplinary studies.

JP: Well, does anybody have any amusing anecdotes, some dumb questions about law students or -- I'm sure they've been plenty.

MD: No. You might find this of interest. Starting in 1978, and it was a tradition, it was a dependable tradition for the next seven or eight years, and subsequently it's been kind of an off and on phenomenon, that we've had an annual event in the spring that they call the faculty roast. Whereby, students put on skits designed to satirize law school, with a focus on the faculty as the target of their humor.

And some of us, including me, have typically been involved as the second act, putting on skits that are designed to satirize student behavior and other tangentially related aspects of law. So that's -- I've always thought that was important but, of course, I've been one of the most involved in doing it, and the primary writer of the skits.

JP: Well, Florida does that.

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MD = Mark Dobson

MD: But I think it speaks to the morale of the school.

JP: Florida does John Marshal Bar skits, and some of those, I've heard, have really been funny.

PC: Yes.

JP: I'd say -- I won't get into those, but it was pretty hysterical. Does any -- do you all have anything else that you'd like to add that you might not have remembered to talk about.

MD: Well, I just -- again, I'm not sure if this goes to history. But when we were talking about massive student debt and the difficulties of getting jobs, and see how you respond to this. I find it consistently remarkable that, as far as I can see, and I emphasize that phrase, moral among students seems pretty high.

When I walk into a classroom, typically, with my first year students, and prior to starting time, there they are just laughing and joking and talking. And I'm thinking, what a happy bunch of little fools. Do they not know what difficulties await them in life. So I think, well, all

JP = Julian Pleasant

PC = Phyllis Coleman

MD = Mark Dobson

right, good thing they're happy. What's your impression of that?

PC: Yes.

MD: You probably have more true confessions in your office?

PC: Yes, a lot of them are worried about the debt, and the job situation.

JP: Sure.

PC: And I think -- I admit though when I start -- I teach freshmen the first semester, and I look and go, what are these people doing here; haven't you read what's going on. And, I do, I think it's a real, real problem. I think we are -- as Mark said, I think we're really at a crossroads here. And I think the dean and the faculties need to figure out some stuff, because just raising tuition is not the answer. It's just not.

JP: Well, on that note, we'll end. I want to thank you. Can I email Frank.

[End]